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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,886

03/19/2004

Katsumi Komagamine

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06/26/2009

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EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

06/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,886	Applicant(s) KOMAGAMINE ET AL.	
	Examiner CHAN S. PARK	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,9,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,9,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/09 has been entered.

Response to Amendment

2. Applicant's amendment was received on 5/4/09, and has been entered and made of record. Currently, **claims 4, 9, 21 and 22** are pending.

Response to Arguments

3. Applicant's arguments with respect to **claims 4, 9, 21 and 22** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 recites the limitation "the settable size of the reproducing medium".

There is insufficient antecedent basis for this limitation in the claim. It is unclear if this medium is referring to the reproducing medium having the second size or the third size. Furthermore, it is unclear if "a range of an aspect ratio" is referring to the aspect ratio of the reproducing medium or the template. Clarification/explanation from the Specification is respectfully requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4, 9 and 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuka et al. U.S. Patent No. 6,788,425 (hereinafter Ohtsuka) in view of Tanaka et al. U.S. Patent No. 5,608,493 (hereinafter Tanaka).

Ohtsuka discloses an image processing system (fig. 1) comprising:

a storage unit that stores a template defining a layout of an object on a reproducing medium having a first size (storing a plurality of available templates each

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having a predefined size in fig. 5B), and has restriction information (acceptable printing conditions in col. 7, lines 3-13);

an operation unit operable to receive an operation for size of the reproducing medium (an operation unit must be in the system in order for a user to input the desired paper size to be included in the print order according to fig. 2); and

an acquiring unit operable to acquire size information indicating the first size of the template and the restriction information (comparing the print order with the restriction information in col. 7, line 3-13);

wherein the print control unit does not perform printing on the reproducing medium having a third size (A3 size in col. 7, lines 8-10) when the third size set by the operation unit exceeds a maximum size of the reproducing medium, which is defined by the restriction information (col. 7, line 3-13), and

wherein the third size is bigger than the first size (col. 7, lines 8-10).

Ohtsuka, however, does not explicitly disclose a print control unit operable to resize the template based on the acquired size information and the received operation so that the template defines a layout of the object on a reproducing medium having a second size and output an instruction for printing the object on the reproducing medium having the second size based on the resized template.

Tanaka, the same field of endeavor of printing images using a selected template and paper size, teaches the method of resizing the selected template to fit into the desired paper size (col. 10, lines 7-13).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the printing system of Ohtsuka to include the template resizing function as taught by Tanaka.

The suggestion/motivation for doing so would have been to adjust the size of the template to fit into the desired paper size.

Therefore, it would have been obvious to combine Ohtsuka with Tanaka to obtain the invention as specified in claim 4.

With respect to claim 9, arguments analogous to those presented for claim 4, are applicable.

With respect to claim 21, the combination discloses the image processing system according to claim 4, wherein the restriction information indicates a range of an aspect ratio that is suitable for the settable size of the reproducing medium (figs. 5A & 5B of Ohtsuka).

With respect to claim 22, the combination discloses the image processing system according to claim 4,

wherein that storage stores a plurality of templates which have different size information from each other (fig. 5B of Ohtsuka),

wherein the image processing system further comprises a selecting unit operable select one of the templates (col. 7, lines 35-38 of Ohtsuka), and

wherein the print control unit resizes the selected template and outputs the instruction based on the selected and resized template (col. 10, lines 7-13 of Tanaka).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/
Primary Examiner, Art Unit 2625

June 23, 2009